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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,474	06/12/2001	Jamal Benbrahim	IGTECH.0013P	5212

7590 06/18/2003
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EXAMINER

WHITE, CARMEN D

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 06/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,474

Applicant(s)

BENBRAHIM, JAMAL

Examiner

Carmen D. White

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application. aw 12/22/03
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 and 17 is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected. 1-10, 13-15 aw 12/22/03
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 13, 2003 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-8, 10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by **Alcorn** et al (5,643,086).

Regarding claims 1-2 and 4-8, Alcorn teaches a method of providing control code/operating data for operating a casino gaming device that includes encrypting the data in a symmetrical (private key) encryption process with a first key (col. 10, lines 27-30); providing said encryption data to said gaming device; initiating operation of said gaming device; locating a decryption device; providing said encrypted data to said decryption device; decrypting said encrypted data with said decryption device using said first key and storing the decrypted data (Fig. 4; Fig. 5; col. 2, lines 44-63).

Regarding claim 10 and 13, Alcorn teaches all the limitations of the claim as discussed above. Alcorn further teaches the storage of the private decryption key in a secure access module (ROM) and the computer program access this key for decryption (col. 3, lines 1-11; Fig. 3 (#29, #33, #34); col. 10, lines 21-30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 9 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alcorn** et al (5,643,086).

Regarding claims 3 and 15, Alcorn teaches all the limitations of the claims as discussed. While Alcorn teaches encryption of game data prior to installation in the gaming machine (col. 2, lines 40-41), Alcorn is silent regarding explicitly stating the step of transmitting this data to the gaming machine. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the transmission of this encrypted code to the gaming machine in Alcorn, so that the machine could be easily programmed with new game updates.

Regarding claim 9, Alcorn teaches all the limitations of the claims as discussed. While Alcorn teaches the use of a key to decrypt the data (Fig. 3, Fig. 5), Alcorn is silent as to the separate storage of the decryption device (program) and the decryption key which requires the transmission of the key to the device. It would have been obvious to

a person of ordinary skill in the art at the time of the invention to include the feature of having the decryption key located remotely from the decryption device and to transfer the key to the device in Alcorn. This would increase the security of the system by having the two located in separate locations, in cases where one memory location is compromised.

Regarding claim 14, Alcorn teaches all the limitations of the claims as discussed. While Alcorn teaches the use of program memory that has read/write access (col. 2, lines 26-28), Alcorn is silent regarding this memory being a RAM. The examiner takes official notice that it is well known in the art to use RAM as a form of read/write memory. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include a RAM as the read/write program memory of Alcorn. This would allow easy access to the game data in cases of upgrades.

Allowable Subject Matter

Claims 16-17 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, Alcorn et al, Wright and Elliott, teach the step of *utilizing* ^{do not} *said provided private key to decrypt said first or second portion of said set of encrypted operating data.* ^{Ad}

Examiner's Response to Applicant's Remarks

The examiner agrees with Applicant that the combination of Alcorn and Wright or Elliott do not teach the decryption of either *a first or second portion of the data* with a provided private key. Therefore, this feature has been indicated as allowable subject matter above.

However, with respect to Applicant's argument that the ROM of Alcorn does not provide the same function as the instant claimed secure access module (SAM) for

storing the private key, the examiner disagrees. The examiner maintains that the ROM serves the same function of Applicant's SAM. Applicant attempts to read features of the instant disclosure into the claims. However, the claim language is much broader as it pertains to the SAM, than the areas Applicant indicates in the disclosure. Therefore, as currently claimed, the examiner asserts that this limitation is met by Alcorn.

Applicant also continues to argue that Alcorn does not teach encrypting the actual program code. The examiner disagrees with Applicant and has discussed this feature in the Examiner's Response section of the prior office action (paper #5). Applicant argues that the encrypted hash, disclosed as a signature in Alcorn, is not the same as the encrypted operating code of the instant invention. The examiner disagrees. The hash is merely a double encryption of the game program code. First the game program code is hashed {encrypted to produce a hash, which is an encryption process whereby data is enciphered and a smaller set of data results, in some cases a number}. Then, in Alcorn the program code is further encrypted again to produce the signature. Therefore, the examiner maintains that this limitation is clearly met by Alcorn.

USPTO Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for Non-official communications and 703-305-3579 for Official communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.


cdw


S. THOMAS HUGHES
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